



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 112<sup>th</sup> CONGRESS, FIRST SESSION

WASHINGTON, TUESDAY, OCTOBER 11, 2011

## *House of Representatives*

# VETERANS' BENEFITS TRAINING IMPROVEMENT ACT OF 2011!

**HON. BOB FILNER**

OF CALIFORNIA  
IN THE HOUSE OF  
REPRESENTATIVES

Madam Speaker, This is an omnibus bill that on balance I can't support. Omnibus bills are good and bad, and we have to balance that. Let me tell you why there are two provisions in here that make it impossible for me to support this omnibus bill.

Section 2 requires the VA to institute a pilot program to hold employees of the Veterans Benefits Administration to annual testing and to even greater training requirements than their current 80 hours at five regional offices at a cost of \$5 million over 5 years. Now, we are all for training of our employees and want them to do a good job and be adequately trained for it. Secretary Shinseki has set a goal of processing all claims within 125 days at 98 percent accuracy. That's a great goal, and we have to get a handle on that and get a handle on the backlog and the claims that are languishing unnecessarily.

I think this provision is misguided because it will stand in the way of reaching the Secretary's goal, because I don't think we can test our way out of the claims backlog. Anybody can pass a test. The real question is can they adequately process claims. That's what the VA needs from its employees, not another additional burden resulting in work stoppages, which is what this testing requirement will do.

We already have a certification testing program used for the advancement of VBA employees, which was greatly strengthened in the bill that we passed in 2008 with great bipartisan support. I think that this bill has redundant testing and wastes \$5 million and will only go to the fattening of the contractors' pockets who develop the test, money that I think can be more efficiently used to help our veterans.

I should remind the body that this mandatory testing provision never passed out of the subcommittee that was responsible for the bill. It failed. It was withdrawn, but it showed up in the full committee markup and I think violates the spirit of regular order that we supposedly prize.

More importantly, there is a provision in this bill which, let me first state in legal terms and then in English, which would prohibit the reporting of those who have an appointed VA fiduciary to the National Instant Criminal Background Check system required by the Brady Act. What does that mean in English? That means people who have been judged by the VA to be mentally incompetent of handling their own financial affairs qualify to purchase a gun. Hello? We heard the chair of the subcommittee support, oh, this is a

-OVER-

constitutional right. Hey, we have a long history of law and precedent which says we can deny rights to mentally incompetent people, especially to own a gun, a handgun. How many people have to commit mass murders who are mentally incompetent before we understand that we ought to prevent them from getting a gun in the first place? Yet we have a justification of that right here in this bill.

The gentleman wants to keep the right to purchase firearms until they have a determination from a State judge. Well, that's a non sequitur, Madam Speaker.

While I agree that some of these people who've been judged by the VA not to be mentally competent to handle their financial affairs may not pose a threat to themselves or others, the prudent course of action, the reasonable course of action, the commonsense course of action, the course of action that will save lives in this Nation is that we not allow these VA beneficiaries to have access to lethal weapons until the legal determination is made by that judge. Let's have the determination first, not after they kill somebody.

So we're going to put guns in the hands of people who may not be mentally capable of responsible gun ownership. This does not strike the proper balance between ensuring societal safety and individual rights. I don't have to list all of the atrocities that have gone on in this Nation over the past decade that happened because of irresponsible gun ownership; and yet we have a defense of a bill that specifically, it doesn't even leave it to implicit, it specifically says if you are judged to be mentally incompetent, you still have a right to go get a gun. How stupid are we,

Madam Speaker? Come on. This is a scary thought. It's irresponsible legislating. We have got to do a better job of striking a balance on this issue.

Everybody on an earlier bill is afraid of Grover Norquist. Everybody here is afraid of the NRA. Come on, let's be responsible. Let's use common sense. Let's protect the American people. Let's not go for these pledges that are made in a partisan way to make sure you're reelected and hurt the American people in the long run. That's what we are doing here. This is irresponsible. You give, by law, by a sentence that you put in, Mr. Chairman, you give them, mentally incompetent people, they've already been defined as that, you give them the right to be exempt from the Brady law's registration. Come on, we can do a better job than that!

Madam Speaker, again, there are some good provisions of this bill. The Hastings provision is especially appropriate. But we owe the American people better than just ideological legislating because I made this promise and this is a constitutional right. I believe in the Second Amendment. But we can regulate the conditions of that amendment, and this is an especially egregious case which needs regulation.

The VA has said that someone cannot manage their own affairs, and yet we write in the provision that says, okay, go buy a gun anyway until some judge says you're mentally incompetent. Let's have the judge's decision first. Then if they are judged to be mentally sound, they can buy a gun. That's their constitutional right. They don't have a constitutional right to be mentally imbalanced and buy a gun that kills dozens or even hundreds of people. That's what we've seen in this country for decades. Let's do a better job.